

**MINUTES OF THE PLANNING COMMISSION**  
**SEPTEMBER 27, 2006**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, September 27, 2006 at 7:00 P.M.

**ROLL CALL**

**Present:**

Bourgeois, John  
Kane, D. Michael  
Micciche, Phil  
Quintana, Lee  
Rice, Stephen  
O'Donnell, Tom  
Talesfore, Joanne

**Absent:** None

**APPROVAL OF MINUTES OF SEPTEMBER 13, 2006**

**Motion** by **Commissioner O'Donnell** to approve MINUTES OF SEPTEMBER 13, 2006, **seconded** by **Commissioner Bourgeois** to include corrections by Commissioner Kane.

Motion passed 6-0 with Commissioner Talesfore recused.

**SUB COMMITTEE REPORTS**

**Historic Preservation Committee** - Commissioner Kane commented he will report at the next meeting on a seminar attended by HPC members on historic presentation issues.

**VERBAL COMMUNICATIONS**

- **Ray Davis** – Commented on Chair Micciche's conduct regarding the DeSantis project and the Commission's advisory responsibility to the Town Council. Also commented he has decided to file an application for appointment to the Planning Commission.

**CONSENT CALENDAR** – None

**CONTINUED PUBLIC HEARINGS**

1. 551 Santa Rosa Drive - Architecture and Site Application S-06-032  
Requesting approval to add onto a single family residence that will exceed the allowable FAR on property zoned HR-2 1/2. APN 527-56-034  
PROPERTY OWNER: Kevin and Susanne Hereford  
APPLICANT: Terry Martin Associates  
(Continued from August 9, 2006)

**Motion by Commissioner Kane** to continue the public hearing to the October 11, 2006 Planning Commission meeting and **seconded by Commissioner Bourgeois**.

Motion passed unanimously.

## **NEW PUBLIC HEARINGS**

2. 50 University Avenue - Conditional Use Permit U-06-07  
Requesting approval to have live entertainment and events in the amphitheater and unenclosed areas within the Old Town Shopping Center on property zoned C-2:PD:LHP. APN 529-02-044  
PROPERTY OWNER/APPLICANT: SRI, Old Town, LLC

Commissioner Kane requested time to review the desk item related to the 50 University Avenue project.

**Applicant: Rachel Richards- Federal Realty for SRI, Old Town** – presented information on the proposed project and responded to questions from the Commission.

### **Public Comments:**

- **Randi Chen** – Should not approve for two basic reasons: the CUP is a property right and no guarantee that Old Town will continue to be a good owner and all the issues related to traffic, parking, noise and late night customers through the neighborhood. Also commented on issue of amplified versus non amplified sound at events. This site is on the edge of a residential community and is not compatible with our neighborhood.
- **Mr. Farhad**.- The request is for the benefit of the big restaurants at Old Town and strongly recommend that Commission deny this application.
- **Ira Spector** – A delicate balance has been achieved between Old Town and neighborhood through LP 3.4 and LP 3.5 of the General Plan regarding public safety and land use issues and should continue to be used to assess the impacts of this project.
- **Michael Burke** - Concerned about the intensification of traffic and the amount of proposed special events at this site. Suggested reviewing the current CUP and the current conditions.
- **Joe Hargett** - Concerned about amplified music, pedestrian traffic and parking issues at the Forbes Mill condo area which will be impacted by this proposal.
- **Kathy Morgan** - Feels this proposal will create noise problems with amplified music. The CUP needs to be revised to specify the number of special events. Comments on commercial areas impacting nearby neighborhoods. Consider an extensive revision of the CUP.
- **Dick Scott** - Concerned about the parking/noise issues caused by the project.

- **Elizabeth Stewart** - Concerned with the noise from this project.
- **Kerri Benedetti** - Concerned about traffic/noise on their street after events at this site. The CUP should stipulate the amount and type of special events and the consequences of not abiding by the CUP.
- **Ray Davis** - Expressed concern about the noise from this site.

Applicant responded that no alcohol related events are included in this application, a security guard will be hired and Old Town is not trying to be a Santana Row in Los Gatos.

#### **Planning Commission Comments:**

- **Commissioner Talesfore** encouraged the use of an events coordinator and would like greater detail about where the special events will be located on the property.
- **Commissioner Rice** would like to see more specificity on the list of events.
- **Commissioner O'Donnell** commented on process of the getting permits for special events.
- **Commissioner Micciche** commented on changing CUP if property changes ownership.
- **Commissioner Quintana** asked if applicant would be agreeable to putting a limit on the length of the CUP and be renewed periodically.

**Motion by Commissioner Micciche and seconded by Commissioner Rice** to send the project back to staff with the following direction:

1. Additional security should be provided for special events.
2. No amplified music or alcohol for special events.
3. No more than six event days per month.
4. All special events should be from 9am-9pm.
5. The CUP should terminate with a change in ownership.

Commissioners Kane and Quintana voted nay and Commissioners Bourgeois, Micciche, O'Donnell, Rice and Talesfore voted aye.

Motion passed 5-2.

3. 45 W. Main Street - Conditional Use Permit U-07-2. Requesting approval to allow wine tasting and retail wine sale on property zoned C-2. APN 529-01-026. PROPERTY OWNER: Jay Conover and Joella Wanamaker. APPLICANT: Clos La Chance Wines, Inc & Fleming Jenkins LLC

**Applicants: Greg Jenkins, Rick Toyota, Bill Murphy**

Indicated this project will integrate nicely into the community and help the Central Business District. The project will not be a wine bar, rather a wine tasting facility. The demographics for this business fit with the community.

**Public Comments:**

- **Mr. Farhad** - Commented on three winetasting facilities located within one block of this location. This project should not be approved.
- **Faun A. Skyles** - In support of this project. The use of alcohol will be done in a responsible manner at this location.
- **Ray Davis** - Expressed concern about the Town's alcohol policy relative to this land use permit and the possible increase in this type of business in the downtown area.
- **George Montanari** - Indicated support for the project.

**Planning Commission Comments:**

- **Commissioner Kane** concerned that these are new facilities for Los Gatos and the Town's current policies do not address tasting rooms.
- **Commissioner O'Donnell** commented the Town does not believe there is currently a need for policies on tasting rooms and will address this type of use if a problem arises.
- **Commissioner Quintana** commented on the number of similar applications in this area and the need for guidance from Town Council on winetasting facilities.
- **Commissioner Talesfore** questioned how staff analyzed intensity regarding traffic impact and parking.

**Motion by Commissioner O'Donnell** to approve with the following modifications and **seconded by Commissioner Talesfore**.

1. Condition of Approval #6 to read: "hours of operation for the business shall be from 11:00 a.m. to 7:00 p.m. seven days a week."
2. Condition of Approval #7 to read: "Retail sale of wine for off site consumption is permitted from 11:00 AM to 7:00 PM, seven days a week. However, retail sale of wine shall be allowed up to 10:00 p.m. for private events."
3. Condition of Approval #9 needs to be modified to read: "Private events shall be limited to 53 people or the maximum allowed by the fire code."

Commissioner Quintana voted nay and Commissioners Bourgeois, Kane, O'Donnell, Talesfore, Rice and Micciche voted aye.

Motion passed 6-1.

4. 15900 Los Gatos Boulevard - Architecture and Site Application S-07-002 - Conditional Use Permit U-07-001

Requesting approval to demolish portions of the existing building, construct a new on-site vehicle maintenance facility, modify on-site parking and circulation, and to allow vehicle storage on property zoned CH. APN 523-01-010.

PROPERTY OWNER: Verizon California

APPLICANT: Blu Croix

Application for this project has been withdrawn.

**CONTINUED OTHER BUSINESS** – None

**NEW OTHER BUSINESS**

5. Report from Director of Community Development  
None

6. Commission Matters  
None

ADJOURNMENT 11:30 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION  
September 27, 2006

---

Phil Micciche, Chair

Approved as to Form and Attest

---

Randy Tsuda,  
Assistant Community Development Director